

**REMARKS**

This amendment is submitted in response to the office action dated September 15, 2005. Claims 1-65 are pending in the application. Claims 1-41, 64 and 65 stand allowed. Claims 42-56, 58 and 60-63 stand rejected. Claims 57 and 59 stand objected to. By action of this office action claims 41, 54, 55 and 57-63 have been amended. Claim 40 has been cancelled. Claims 66-81 have been added. Reconsideration and allowance is respectfully requested in view of the amendments made and the remarks made below.

**1. The Double Patenting Rejection**

Claims 42-56, 58 and 60-63 stand rejected under obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,546,901. In response to this rejection the Applicant has submitted herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). The Applicant respectfully submits that the terminal disclaimer overcomes the rejection and requests notice to that effect.

**2. The Rejections under 35 U.S.C. § 102(b)**

Claims 42-56, 58 and 60-63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,634,447 to Rowells. The Applicant respectfully submits that Rowells does not meet each and every limitation of independent claims 42, 53, 56 and 58.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

Rowells discloses a turbocharged diesel engine. The turbocharged engine has a turbocharger 34 and a reciprocating piston 28. Turbocharger 34 is located on the exhaust side of the engine because turbocharger 34 is driven by a turbine that receives a power transfer from combustion during the exhaust cycle of the engine. Turbocharger 34 is incapable of causing combustion wherein the compressor means and the reciprocating means receive a power transfer from the combustion, such as required in claims 42, 53, 56, and 58. This is because a turbine is

not a positive displacement machine and will not produce the torque necessary to drive a compressor capable of compressing fuel sufficiently to detonate the fuel and initiate combustion.

Furthermore, Rowells states that a "compression relief device 32...is disposed to contact and open an exhaust valve 30 of the cylinder at or about the point when the piston 28 reaches its top dead center position at the beginning of a power stroke." See col. 2, lines 51-53. Rowells further states that the "selected quantity of fuel [is] to be completely combusted in the cylinder before the piston reaches top dead center." See col. 5, lines 15-16. This means that in Rowells combustion occurs well in advance of top dead center, on the compression stroke, and implies that the exhaust valve of the cylinder is closed during the compression stroke. The valve in Rowells is opened later to send the power of *compression* to the turbocharger. Rowells does not open the intake valve of the cylinder at or after the top dead center position of the piston to send power to the compressor. In the Applicant's invention the transfer of combustion power between the compressor means and the reciprocating means occurs during the "power cycle" in contrast to Rowells where any transfer of combustion power occurs during the "exhaust cycle". The difference between the two is that in the Applicant's instant invention detonation occurs between the compressor means and the reciprocating means, while Rowells teaches having detonation occur between the reciprocating means and the engine cylinder.

Therefore, the Applicant submits that each and every limitation of independent claims 42, 53, 56, and 58 are not met by Rowell and requests removal of the rejection. Furthermore, the Applicant submits that claims 43-52, 54-55, and 60-63 are allowable by virtue of their dependence upon allowable base claims.

Claims 54-55, 58 and 60-63 have been amended in order to correct typographical errors and to correct problems related to dependency.

### **3. Allowable Subject Matter**

The Applicant would like to thank the Examiner for indicating that claims 1-41, 64 and 65 are in condition for allowance.

Claims 57 and 59 have been objected to as being allowable but dependent upon a rejected base claim. In response the Applicant has amended claims 57 and 59 in order to incorporate the

limitations of the base claims. The Applicant respectfully submits that claims 57 and 59 are now in condition for allowance.

#### **4. New Claims**

Claims 66-81 have been newly added. Support for these claims may be found within the specification, no new matter has been added.

Claim 67 has been added in order to replace cancelled claim 40. Claim 40 was cancelled in order to correct past discrepancies in the claims. Namely, claim 40 was improperly changed by the Applicant in the last response. In order to remove any doubt as to the proper claim terminology, claim 40 has been cancelled and new claim 67 has been added. Claim 41 was amended to now depend upon claim 67.

#### **5. Conclusion**

The Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned.

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